

## **ZONING BOARD OF APPEALS MEETING MINUTES**

**NOVEMBER 7, 2005**

**PRESENT:** Mary Cardin, Kenneth Braga, Adam LaFleche and Robert Palozej

**ABSENT:** Mark Spurling, Duane Zahner, and Alternates Robert Wambolt and Joseph Snyder

### **STAFF**

**PRESENT:** Reanna Goodreau, Recording Secretary

### **I. CALL TO ORDER:**

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:00 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

### **II. PUBLIC COMMENTS: NONE**

### **III. PUBLIC HEARINGS:**

1. #V200517—The Sign Connection, Inc. for a variance to Ellington Zoning Regulations, Section 7.7b(6)(a)(2) & (3)B & D Detached Signs Permitted in the C, PC, I, & IP Zones: to reduce the front yard setback from 15 feet to 2 feet, to allow sign height at 14 feet, and to allow square footage to be 27 feet for a double-sided sign on property located at 85 West Road, APN 028-018-0000 in a C Zone.

**TIME:** 7:02 p.m.

**SEATED:** M. Cardin, K. Braga, A. LaFleche and R. Palozej

Bo Muschinsky, owner of The Sign Connection, came forward to explain the variance request for a detached sign. He stated that the owner of the property has proof that the detached sign was stolen by a previous leasee of the property. Mr. Muschinsky explained that the non-conforming sign was at least in existence from the 1980's when the current owner purchased the property. He showed the board pictures of the old sign. He also showed them a rough drawing of what the new sign would look like and noted that the sign would be internally lit. Mr. Muschinsky stated that the new sign would be placed on the existing concrete pad of the old sign.

Chairman Cardin reviewed the regulations that applied to detached signs. Commissioner Braga stated that he did not object to using the existing pad for the sign placement, but he did take exception to having a larger and taller sign than the regulations permit; other commissioners agreed.

**MOVED (BRAGA), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200517—THE SIGN CONNECTION, INC.**

**MOVED (CARDIN), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO APPROVE #V200517—THE SIGN CONNECTION, INC. FOR A VARIANCE TO REDUCE FRONT YARD SETBACK FROM 15 FEET TO 2 FEET FOR A DETACHED SIGN.**

**HARDSHIP: THERE IS AN EXISTING CONCRETE PAD FROM A PREVIOUS NON-CONFORMING SIGN, WHICH WAS REMOVED WITHOUT PROPERTY OWNER'S KNOWLEDGE.**

**MOVED (CARDIN), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO DENY #V200517—THE SIGN CONNECTION, INC. FOR A VARIANCE TO ALLOW DETACHED SIGN HEIGHT AT 14 FEET.**

**MOVED (CARDIN), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO DENY #V200517—THE SIGN CONNECTION, INC. FOR A VARIANCE TO ALLOW SQUARE FOOTAGE TO BE 27 FEET FOR A DOUBLE-SIDED DETACHED SIGN.**

2. #V200518—Norman Sunderland for a variance to Ellington Zoning Regulations, Section 5.3c(1): to allow a 10' privacy fence in the front yard setback on property located at 78 Webster Road, APN 125-004-0000 in a RA Zone.

**TIME:** 7:20 p.m.

**SEATED:** M. Cardin, K. Braga, A. LaFleche and R. Palozej

Norman Sunderland came forward to explain the request. He stated that he would like to construct a 10' privacy fence within the front yard setback. Mr. Sunderland explained that since East Porter Road had been paved, there is increased traffic, causing a lot of noise. He noted that his doctor has prescribed medication for him to deal with the constant noise. Mr. Sunderland provided the board with a hand-out showing the type of fence to be constructed. He stated that the fence would be a batten-board fence, which is the best type of fence to use deflect noise.

**MOVED (BRAGA), SECONDED (LAFLECHE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200518—NORMAN SUNDERLAND.**

**MOVED (BRAGA), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #V200518—NORMAN SUNDERLAND FOR A VARIANCE TO ALLOW A 10' PRIVACY FENCE WITHIN THE FRONT YARD SETBACK.**

**CONDITION: MUST BE A BATTEN BOARD FENCE.**

**HARDSHIP: LOCATION OF HOME IN RELATION TO STREET CREATES A NOISY ENVIRONMENT CAUSING HEALTH ISSUES FOR THE PROPERTY OWNER.**

**IV. UNFINISHED BUSINESS:**

1. General Discussion of Zoning Regulations

Chairman Cardin asked if the memo regarding impervious coverage was sent to the Planning & Zoning Commission (PZC). Reanna Goodreau explained that the memo was forwarded to the PZC and according to their minutes, they took it under consideration.

The board requested that Ms. Goodreau re-send them the packet of information gathered regarding separation distances between commercial/industrial and residential properties and clauses in other town's regulations prohibiting the ZBA from granting certain variances. The board will review the information at the December meeting.

**TABLED TO THE DECEMBER 5, 2005 MEETING.**

**V. NEW BUSINESS:**

1. Discussion of Interpretation of When a Variance is Required

Ms. Goodreau explained that the Zoning Enforcement Officer (ZEO) has been promoted to the Town Planner and has not been able to gather information for a discussion. The board agreed to table this item until a new ZEO has been hired and can offer support.

**TABLED TO THE DECEMBER 5, 2005 MEETING.**

**VI. ADMINISTRATIVE BUSINESS:**

1. FY 2006-07 Capital Improvements Budget Requests

**BY CONSENSUS, THE BOARD AGREED THAT THERE WERE NO CAPITAL IMPROVEMENT ITEMS TO REQUEST.**

2. Set 2006 Meeting Schedule

Ms. Goodreau explained that the PZC has requested that the Inland Wetlands Agency (IWA) and ZBA switch meeting dates. The board agreed that they were open to switching meeting dates with the IWA, but would like staff input.

**TABLED TO THE DECEMBER 5, 2005 MEETING.**

3. Approval of the 7/11/05 & 9/12/05 Meeting Minutes

**TABLED TO THE DECEMBER 5, 2005 MEETING.**

4. Correspondence:

- a. Memo to Dennis Milanovich from Robert Phillips re: Land Use Fees, dated 10/17/05

**SO NOTED.**

**VII. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 7:49 PM.**

Respectfully Submitted,

Reanna Goodreau  
Recording Secretary